

1-1 By: Fletcher (Senate Sponsor - Nelson) H.B. No. 1690
1-2 (In the Senate - Received from the House April 29, 2013;
1-3 April 29, 2013, read first time and referred to Committee on Health
1-4 and Human Services; May 13, 2013, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 13, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Nelson	X		
1-9	Deuell	X		
1-10	Huffman	X		
1-11	Nichols	X		
1-12	Schwertner	X		
1-13	Taylor		X	
1-14	Uresti	X		
1-15	West	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to measures to prevent or control the entry into or spread
1-20 in this state of certain communicable diseases; providing a
1-21 penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 81.003, Health and Safety Code, is
1-24 amended by adding Subdivision (4-a) to read as follows:

1-25 (4-a) "Peace officer" has the meaning assigned by
1-26 Article 2.12, Code of Criminal Procedure. The term includes a
1-27 sheriff or constable.

1-28 SECTION 2. Section 81.083, Health and Safety Code, is
1-29 amended by adding Subsection (m) to read as follows:

1-30 (m) A peace officer, including a sheriff or constable, may
1-31 use reasonable force to:

1-32 (1) secure the members of a group subject to an order
1-33 issued under Subsection (k); and

1-34 (2) except as directed by the department or health
1-35 authority, prevent the members from leaving the group or other
1-36 individuals from joining the group.

1-37 SECTION 3. Section 81.084, Health and Safety Code, is
1-38 amended by adding Subsection (l) to read as follows:

1-39 (l) A peace officer, including a sheriff or constable, may
1-40 use reasonable force to:

1-41 (1) secure a property subject to a court order issued
1-42 under this section; and

1-43 (2) except as directed by the department or health
1-44 authority, prevent an individual from entering or leaving the
1-45 property subject to the order.

1-46 SECTION 4. Section 81.085, Health and Safety Code, is
1-47 amended by adding Subsection (j) to read as follows:

1-48 (j) A peace officer, including a sheriff or constable, may
1-49 use reasonable force to:

1-50 (1) secure a quarantine area; and

1-51 (2) except as directed by the department or health
1-52 authority, prevent an individual from entering or leaving the
1-53 quarantine area.

1-54 SECTION 5. Section 81.162, Health and Safety Code, is
1-55 amended by adding Subsection (h) to read as follows:

1-56 (h) The judge or magistrate may direct a peace officer,
1-57 including a sheriff or constable, to prevent a person who is the
1-58 subject of a protective custody order from leaving the facility
1-59 designated to detain the person if the court finds that a threat to
1-60 the public health exists because the person may attempt to leave the
1-61 facility.

2-1 SECTION 6. Section 81.163, Health and Safety Code, is
2-2 amended by amending Subsection (a) and adding Subsection (f) to
2-3 read as follows:

2-4 (a) A protective custody order shall direct a peace officer,
2-5 including a sheriff or constable, to take the person who is the
2-6 subject of the order into protective custody and transport the
2-7 person immediately to an appropriate inpatient health facility that
2-8 has been designated by the commissioner as a suitable place.

2-9 (f) A protective custody order issued under Section 81.162
2-10 may direct an emergency medical services provider to provide an
2-11 ambulance and staff to immediately transport the person who is the
2-12 subject of the order to an appropriate inpatient health facility
2-13 designated by the order or other suitable facility. The provider
2-14 may seek reimbursement for the costs of the transport from any
2-15 appropriate source.

2-16 SECTION 7. Section 81.185, Health and Safety Code, is
2-17 amended by amending Subsection (a) and adding Subsection (e) to
2-18 read as follows:

2-19 (a) The order for temporary detention shall direct a peace
2-20 officer, including a sheriff or constable, to take the person into
2-21 custody and immediately transport the person to an appropriate
2-22 inpatient health care facility. The person shall be transported to
2-23 a facility considered suitable by the health authority if an
2-24 appropriate inpatient health care facility is not available.

2-25 (e) The order for temporary detention may direct an
2-26 emergency medical services provider to provide an ambulance and
2-27 staff to immediately transport the person who is the subject of the
2-28 order to an appropriate inpatient health care facility designated
2-29 by the order or other suitable facility. The provider may seek
2-30 reimbursement for the costs of the transport from any appropriate
2-31 source.

2-32 SECTION 8. Section 81.190, Health and Safety Code, is
2-33 amended by adding Subsection (g) to read as follows:

2-34 (g) If the department or health authority advises the court
2-35 that the person must remain in isolation or quarantine and that
2-36 exposure to the judge or the public would jeopardize the health and
2-37 safety of those persons and the public health, the judge may order
2-38 that a person entitled to a hearing may not appear in person and may
2-39 appear only by teleconference or another means that the judge finds
2-40 appropriate to allow the person to speak, to interact with
2-41 witnesses, and to confer with the person's attorney.

2-42 SECTION 9. Subchapter G, Chapter 81, Health and Safety
2-43 Code, is amended by adding Section 81.212 to read as follows:

2-44 Sec. 81.212. EVADING OR RESISTING APPREHENSION OR
2-45 TRANSPORT; CRIMINAL PENALTY. (a) A person who is subject to a
2-46 protective custody order or temporary detention order issued by a
2-47 court under this subchapter commits an offense if the person
2-48 resists or evades apprehension by a sheriff, constable, or other
2-49 peace officer enforcing the order or resists or evades transport to
2-50 an appropriate inpatient health care facility or other suitable
2-51 facility under the order.

2-52 (b) A person commits an offense if the person assists a
2-53 person who is subject to a protective custody order or temporary
2-54 detention order issued by a court under this subchapter in
2-55 resisting or evading apprehension by a sheriff, constable, or other
2-56 peace officer enforcing the order or in resisting or evading
2-57 transport to an appropriate inpatient health care facility or other
2-58 suitable facility under the order.

2-59 (c) An offense under this section is a Class A misdemeanor.

2-60 SECTION 10. The change in law made by this Act applies only
2-61 to an offense committed on or after the effective date of this Act.
2-62 An offense committed before the effective date of this Act is
2-63 governed by the law in effect on the date the offense was committed,
2-64 and the former law is continued in effect for that purpose. For
2-65 purposes of this section, an offense was committed before the
2-66 effective date of this Act if any element of the offense occurred
2-67 before that date.

2-68 SECTION 11. This Act takes effect immediately if it
2-69 receives a vote of two-thirds of all the members elected to each

3-1 house, as provided by Section 39, Article III, Texas Constitution.
3-2 If this Act does not receive the vote necessary for immediate
3-3 effect, this Act takes effect September 1, 2013.

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